FILED

JAN 06 2011

PATRICK E. DUFFY, CLERK
By_____
DEPUTY CLERK, MISSOULA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

               Plaintiff,

vs.

CONNOR HAYDEN KRAEGEL,

               Defendant.

CR 10-27-BU-DWM

FINDINGS & RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P.
11 and has entered a plea of guilty to one count of theft of firearms from a federal
firearms licensee in violation of 18 U.S.C. § 922(u) as set forth in the Information.

After examining the Defendant under oath, I have made the following
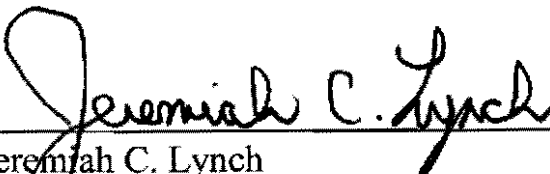determinations:

1. That the Defendant is fully competent and capable of entering an
informed and voluntary plea,

2. That the Defendant is aware of the nature of the charge against him and
consequences of pleading guilty to the charge,

3. That the Defendant fully understands his constitutional rights, and the
extent to which he is waiving those rights by pleading guilty, and

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4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the charge set forth in the Information.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 6th day of January, 2011.

Jeremiah C. Lynch
United States Magistrate Judge

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